

Practitioner's Docket No. 1348/110

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Ian Percival

Application No.: 10/683,853

Group No.: 2188

Filed: 10/10/2003

Examiner: Namazi, Mehdi

For: A Method and System for Coherently Caching I/O Devices Across a Network

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

## Identification of Person(s) Making This Disclaimer

I represent that I am the attorney of record.

## IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

The assignee is

SuperSpeed Software, Inc.  
327 Boston Post Road  
Sudbury, MA 01776 US

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office to 571-273-4209.

Signature

Robert M. Asher

(type or print name of person certifying)

Date: August 18, 2005

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection--page 3 of 3

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

**RECORDAL OF ASSIGNMENT IN PTO**

The assignment was recorded on September 28, 2001, in parent application No. in application No. 09/300,633.

Reel 012207  
Frame 0356

The present application is a continuation of U.S. Serial No. 10/052,873, filed January 16, 2002 which is a continuation of U.S. Serial No. 09/300,633, filed April 27, 1999, now U.S. Patent No. 6,370,615.

**DISCLAIMER****(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/709,040, filed on April 8, 2004, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/709,040, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Small entity--fee \$65.00.

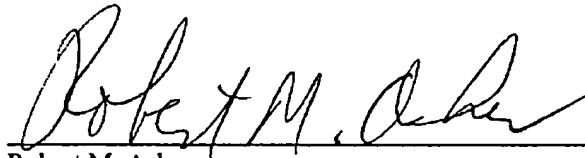
Small entity statement already filed.

**FEE PAYMENT**

Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Date: August 18, 2005



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